

and that yearly, except when in Washington, on public business. I contend, that he having resided years in Baltimore city, and having taken his family to his country seat in summer, with the intention of returning to the city in winter, was no abandonment of his residence in the city, any more than would the annual visit in search of health to any other place have operated such abandonment. The quo animo must fix the locus in quo of residence, and the animus revertendi being conceded, fixes his residence in the city of Baltimore.

I do not think the case stated sustains the position for which it was referred to by the gentleman from Baltimore county (Mr. Howard.) I would beg leave to read an extract from the report of the committee in direct conflict with one of the conclusions to which they arrive. After speaking of the power of Congress to judge of the qualifications of its members, agreeably to constitutional rules, it goes on to say: "but the State Legislatures being by the Constitution authorized to prescribe the time, place and manner of holding the elections, in controversies arising under this authority, Congress are obliged to decide agreeably to the laws of the respective States." I subscribe to this position, and commend it to the attention of the honorable gentleman. And further, in answer to the argument on the other side, I would offer the practice of this Government, from the formation of it down to the present time, as to the exercise of the power on the part of the States under the provisions of the Constitution. It will be borne in mind the language is identical in terms when speaking of the Senators and Representatives, and in fact the power is expressed in the same article. I say, I would refer to the power which has been exercised by each and every State in the Union, and which power has never been contested, and which the gentleman will see could not be contested. But, he says, the only distinction which he can draw is as to the manner in which the election is to be made. Now, if that is the only distinction which the gentleman can draw, I humbly apprehend that when he comes to look at the Constitution of the United States he will find that he is at fault, because it makes no distinction as to the manner at all, but the only reservation which is given as to the exercise of power is given as to the place of electing Senators. Consequently the position assumed by the gentleman falls to the ground.

"But Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators. Congress has a right to alter the time, place and manner, has a right to make any alteration in regard to both branches of the government, except the place of electing Senators. I really am not capable of perceiving the distinction between one case and the other; and I humbly apprehend that the power which exists in the one case does exist in the other. Though I should be sorry that such power should be exercised by the Convention as proposed. The best talent of the State ought to be sought after to fill the high post of Senator of the

United States, and when by his ability, assiduity and experience he becomes capable of doing honor to himself and the State, and rendering good service to the country, he should not be cut down by constitutional restrictions and disqualifications. It matters not to me where the man is to be found, whether in Baltimore or in Western Maryland or the Eastern Shore, or in Southern Maryland. I take it, we will not elect a man who is not a Marylander. And if we should be so unfortunate as not to get a proper man, I have no doubt a wise Legislature would avail of the first occasion to apply the proper corrective.

The Convention then adjourned.

## MONDAY, April 7.

The Convention met at ten o'clock.

Prayer by the Rev. Mr. GRAFF.

The roll having been called, and it being ascertained that a quorum was not present,

Mr. BLAKISTON moved the Convention adjourn.

Mr. STEPHENSON called for the yeas and nays; which were ordered, and, being taken, were—yeas 4; nays 39.

So the Convention refused to adjourn.

When the name of Mr. Jacobs was called on for the yeas and nays just taken, Mr. Dirickson rose in his place and desired it to be entered on the Journal that Mr. Jacobs was detained from his seat by indisposition.

The PRESIDENT communicated to the Convention that Mr. McCullough had desired him to state that he was unavoidably detained from the Convention to-day.

The PRESIDENT also informed the Convention that Mr. Chandler was confined by indisposition and prevented from attending the Convention.

On motion of Mr. GWINN it was

Ordered, That it be entered upon the Journal that Mr. Prestman is detained from the Convention by indisposition.

On motion of Mr. BLAKISTONE,

The Convention adjourned until to-morrow morning at 10 o'clock.

## TUESDAY, April 8, 1851.

The Convention met at ten o'clock.

Prayer was made by the Rev. Mr. GRAFF.

The roll was called.

The Journals of Saturday and of yesterday were read.

## THE LEGISLATIVE DEPARTMENT.

There being no morning business before the Convention—

The Convention resumed the consideration of the special order of the day, being the report submitted by Mr. Johnson, as chairman of the Committee on the Legislative Department of the Government.